

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 21-1225V

UNPUBLISHED

HOWARD BEECH,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: December 29, 2022

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Influenza (Flu);
Shoulder Injury Related to Vaccine
Administration (SIRVA).

Ryan Truesdale, Groth Law Firm S.C., Wauwatosa, WI, for Petitioner.

Austin Joel Egan, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On April 16, 2021, Howard Beech ("Petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the "Vaccine Act"). Petitioner alleges that he suffered a left shoulder injury related to vaccine administration ("SIRVA") as a result of an influenza ("flu") vaccine administered on October 27, 2018. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On December 28, 2022, Respondent filed a combined Rule 4(c) Report and Proffer in which he **concedes** that Petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report and Proffer at 1. Specifically, Respondent states that Petitioner's left shoulder injury is consistent with SIRVA as defined on the Vaccine Injury

¹ Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Table (“Table”) and the Qualifications and Aids to Interpretation (“QAI”). *Id.* at 3-4 (citing 42 C.F.R. §§ 100.3(a)(XIV)(B), (c)(10)). Respondent further agrees that Petitioner suffered the residual effects or complications of his injury for more than six months after vaccine administration. *Id.* at 4 (citing Section 13(a)(1)(B); Section 11(c)(1)(D)(i)).

In view of Respondent’s position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master